



COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: November 10, 2020

REGARDING: 1523 W Lake Drive, Parcel # 50-22-03-131-003 (PZ20-0044)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

M. J. Whelan Construction

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of West Park Drive and South of West Pontiac Trail,
Parcel #:	50-22-03-131-003

Request

The applicant is requesting variance from the Novi Zoning Ordinance Section 3.1.5 for a proposed 18.67 foot front yard setback (30 feet required, variance of 11.33 feet); a side yard setback of 6 feet (10 feet required, variance of 4 feet); an aggregate total side yard setback of 12 feet (25 feet required, variance of 13 feet); and a proposed lot coverage of 39.6% (25% required, variance of 14.6%). These variances would accommodate the building a garage addition. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we **grant** the variance in Case No. **PZ20-0044**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.
- (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
- (b) The property is unique because _____.

- (c) Petitioner did not create the condition because _____
_____.
- (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because _____
_____.
- (e) The relief is consistent with the spirit and intent of the ordinance because _____
_____.
- (f) The variance granted is subject to:
 - 1. _____.
 - 2. _____.
 - 3. _____.
 - 4. _____.

2. I move that we **deny** the variance in Case No. **PZ20-0044**, sought by _____,
for _____ because Petitioner has not shown
practical difficulty requiring _____.

- (a) The circumstances and features of the property including _____ are not unique because they exist generally throughout the City.
- (b) The circumstances and features of the property relating to the variance request are self-created because _____
_____.
- (c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioner's statements that _____.
- (d) The variance would result in interference with the adjacent and surrounding properties by _____.
- (e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to _____
_____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler
Deputy Director Community Development
City of Novi



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION <i>Weinger</i>				Meeting Date: _____	
ADDRESS 1523 W Lake Drive		LOT/SUITE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-03 - 131 - 003		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY W Park Drive and S Pontiac Trail					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS mattw@mjwhelan.com		CELL PHONE NO. 2487894405	
NAME Matt Whelan				TELEPHONE NO. 2486844649	
ORGANIZATION/COMPANY M.J. Whelan Construction				FAX NO.	
ADDRESS 620 N Millford Road		CITY Millford		STATE MI	ZIP CODE 48381
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS justinweinger@gmail.com		CELL PHONE NO. (248) 756-4740	
NAME Justin & Danielle Weinger				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 1523 W Lake Drive		CITY Novi		STATE MI	ZIP CODE 48377
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>3.1.5</u>		Variance requested		<u>Side Yard Setback 6' setback (4' variance, 10' req.)</u>	
2. Section <u>3.1.5</u>		Variance requested		<u>Front Yard Setback 18-67' requested (11-33' variance, 30' req.)</u>	
3. Section <u>3.1.5</u>		Variance requested		<u>Total Combined Side Setback 12' requested (13' var., 25' SB req.)</u>	
4. Section <u>3.1.5</u>		Variance requested		<u>Lot Coverage 39.6% (14.6% variance, 25% required)</u>	
IV. FEES AND DRAWINGS					
A. FEES					
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600					
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable 			<ul style="list-style-type: none"> • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • Any other information relevant to the Variance application 		



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE (S) REQUESTED

DIMENSIONAL USE SIGN

There is a five-(5) hold period before work/action can be taken on variance approvals.

B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.

C. ORDINANCE

City of Novi Ordinance, Section 3107 – Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one-(1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING SIGNAGE

ACCESSORY BUILDING USE OTHER _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

[Signature]
Applicant Signature

9-17-2020
Date

B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

Justin Weinger
Property Owner Signature

09 / 17 / 2020
Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

GRANTED

DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date



Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

a. Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.

Not Applicable Applicable If applicable, describe below:

Given the existing home being built within extremely narrow lot, we are requesting a variance for the side setbacks.

and/or

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.

Not Applicable Applicable If applicable, describe below:

Given the existing home being built with 11' remaining on lakeside setback, we are requesting a variance for a full depth garage on road side. If home had been originally built closer and/or to the lake, the variance may not be necessary.

c. Abutting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.

Not Applicable Applicable If applicable, describe below:

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

Given the existing construction on property with a 30' road setback, along with the inability to add onto the lakeside of the home, we are asking for a variance to accommodate a functional 2 car garage addition on the road side with minimal impact.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Given the existing construction with a 30' road setback it is unnecessarily burdensome for a full depth 2 car garage. We are asking for a road side setback reduction of 11'4".

Standard #4. Minimum Variance Necessary.

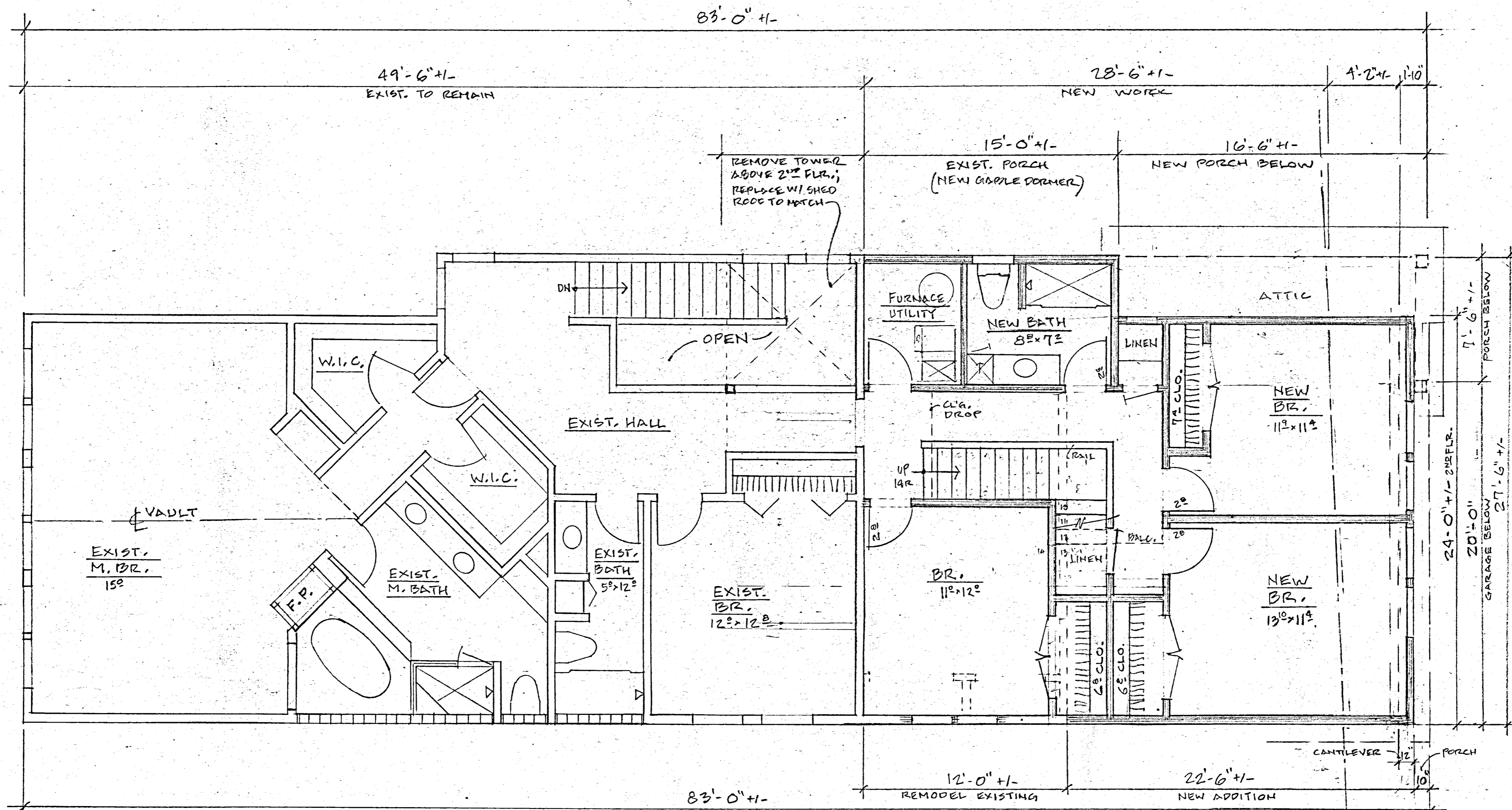
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Variance requested is in line with other approved requests on both North and South sides of existing structure.

Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

~~The impact of~~ The impact of approved variance will be aesthetically pleasing, will add value to the home and will also fit within characteristics of neighborhood.



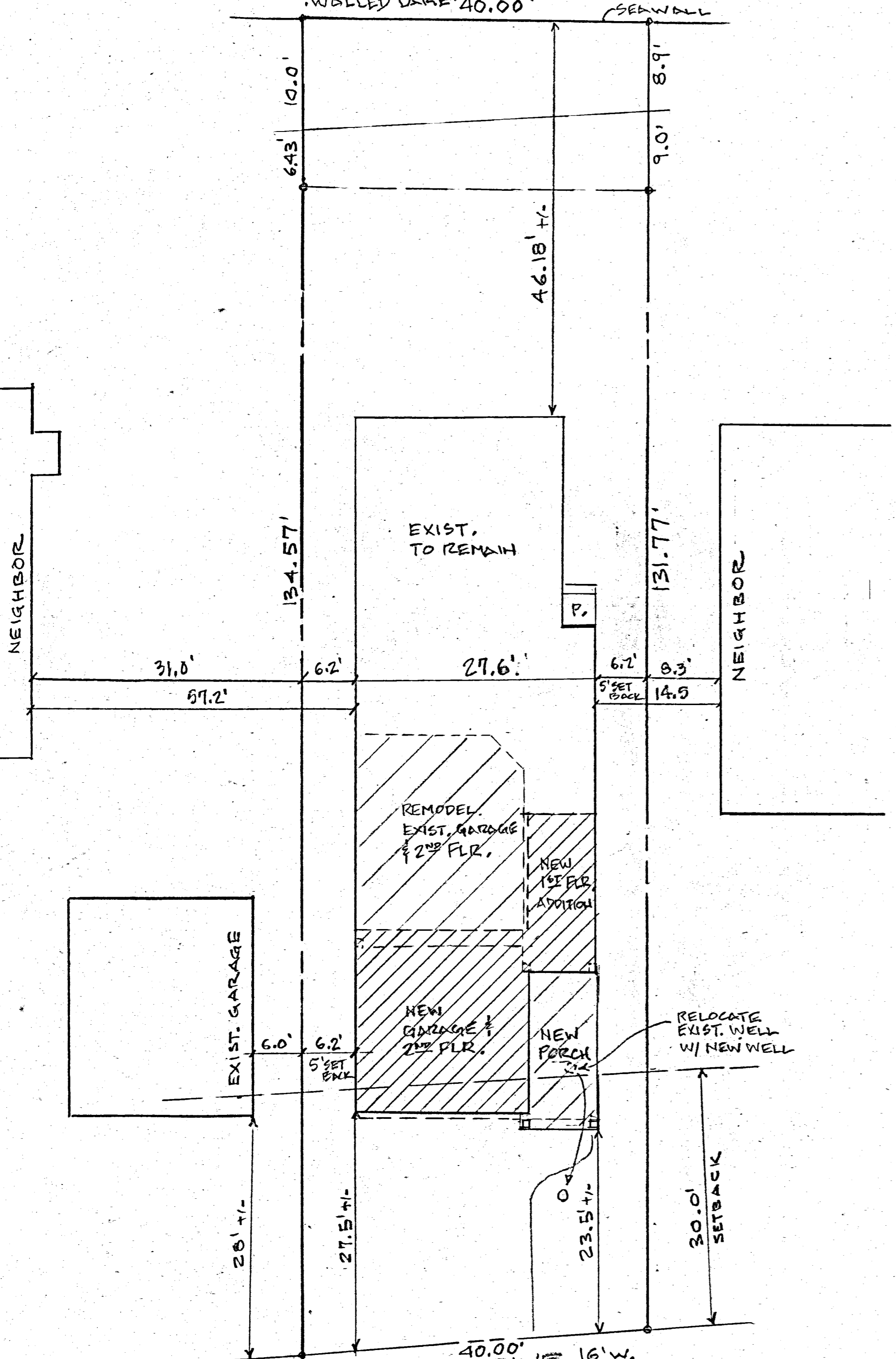
PLAN NORTH
 TRUE NORTH
SECOND FLOOR PLAN - ROUGH STUDY - 1/4" = 1'-0"
 1400 SQ. FT. EXIST. 2ND FLR. (340 S.F. TO BE REMODELED)
 830 SQ. FT. NEW 2ND FLR. ADDITION
 2230 SQ. FT. TOTAL 2ND FLR.



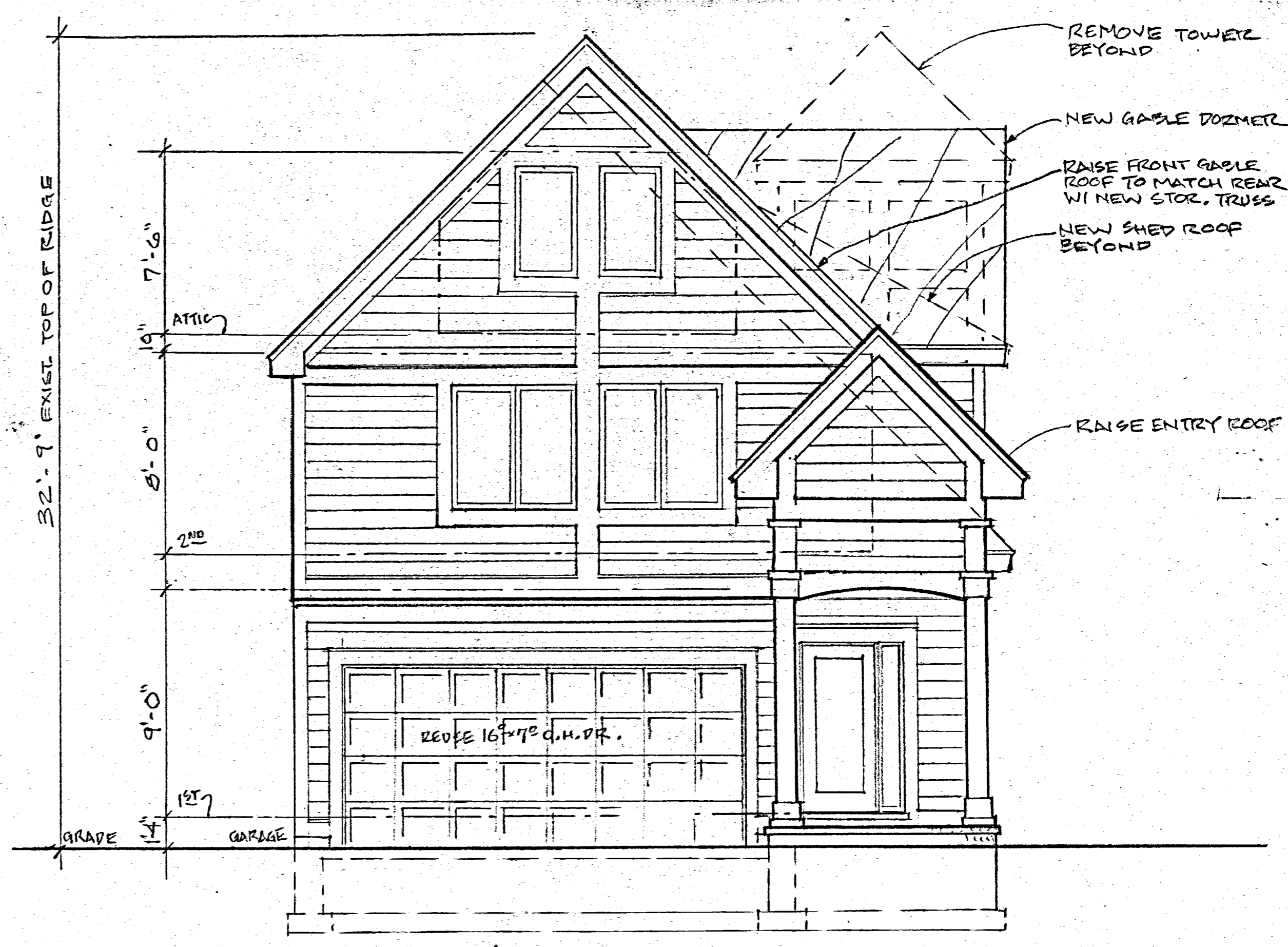
620 N. Milford Rd.
 Milford, MI 48381
 248-684-4649
 FAX: 248-685-0179

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
JUSTIN & DANIELLE WEINGER
 1523 W. LAKE DRIVE, NOVI, MICHIGAN 48377

REVISED: 9-3-20
 DATE: 8-18-20
 SHEET: 2 of 5
 DWG. #: W-2909



SITE PLAN 1"=10'-0"
 LOT #1; SUPERVISORS PLAT #2



WEST ELEVATION, ROUGH STUDY 1/4"=1'-0"



620 N. Milford Rd.
 Milford, MI 48381
 248-684-4649
 FAX: 248-685-0179

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF =
JUSTIN & DANIELLE WEINGER
 1523 W. LAKE DRIVE, NOVI, MICHIGAN 48377

REVISED: 9-3-20
 DATE: 8-18-20
 SHEET: 5 OF 5
 DWG #: W-2909

Please note my comments to:

1523 W Lake Drive, Parcel # 50-22-03-131-003 (PZ20-0044)

Please note my: ~~(Approval)~~ (Objection) to the requested variance.

Comments:

Our home (1529) is right next door. We are opposed to the reduced side yard setback on our side (south) because our home is being encroached upon by both neighbors. We are being hemmed in which reduces our opportunity for future building and which may put our home at greater fire risk. So, sadly, we must oppose the side yard variance next to 1529.

(PLEASE PRINT CLEARLY)

Name: Joann + Ned Aloe

Address: 1529 W. Lake Dr.

Date: 11/4/2020

Oppermann, Katherine

From: Joann Aloe <joannaloe@yahoo.com>
Sent: Thursday, November 5, 2020 2:26 PM
To: Oppermann, Katherine; J. R.
Subject: Re variance requested for 1523 W Lake Dr

Kate,

We would like to RESCIND our objection to a side lot variance for this address (for ZBA Nov.10). We have communicated with our neighbors on W Lake from Arizona, and now understand that this side lot variance is merely a continuation of the building line that is already established...not another 6' closer to our home.

So, apologies for causing you extra work but we support the side lot variance as stated above, as well as the other variances requested.

Thank you,
Joann and Ned Aloe
1529 W Lake Drive

[Sent from Yahoo Mail on Android](#)

November 5, 2020

*City of Novi
Zoning Board of Appeals
45175 W. 10 Mile Rd.
Novi, MI 48375*

*Re: ZBA File #PZ20-2244
Parcel 50-22-03-131-003
M.J. Whelan Construction
Justin and Danielle Wenger*

Dear Zoning Board of Appeals,

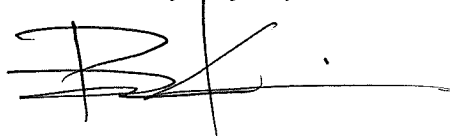
*My name is Brian Kosaian and my address is 1251 West Lake Drive.
Having built several lake front homes on West Lake Drive, I am aware of the challenges
that these non- conforming lots can bring with the current zoning.*

*Justin and Danielle shared their plans with me and in my opinion, did a beautiful
job retaining the curb appeal of the home while adding space for their growing family.*

*Furthermore, the contractor that they have selected, does top notch work, as I
have seen some of their projects.*

I hope that you will approve all of the variances exactly as they have requested.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to be 'BK', with a horizontal line extending to the right from the bottom of the signature.

*Brian Kosaian
1251 West Lake Drive
Novi, MI 48377
734-730-8601*